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REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 36-54 are presently active. Claims 1-35 have been canceled without prejudice; and Claims 36-54 have been added by the present amendment. The additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, the Examiner indicated that priority under 35 U.S.C. § 371 "has not immediately been granted" due to the filing date of the declaration; the drawings were objected to under 37 C.F.R. § 1.83(a) as failing to show proper detail in Figures 1-4 and 8; the Examiner indicated that the patent applications referred to on pages 4, 10, and 15 of the specification have not been considered; Claims 1-35 were rejected under 35 U.S.C. § 112, first paragraph; Claims 1-35 were rejected under 35 U.S.C. § 112, second paragraph, with regard to various phrases in the claims; Claims 1-35 were rejected under 35 U.S.C. § 102(b) as being anticipated by International Application No. WO 00/13757 to Kasparov et al. (hereinafter "the '757 application"); Claims 1, 11, 17, 18, and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,722,890 to Libby et al. (hereinafter "the '890 patent"); Claims 19-21 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '890 patent in view of U.S. Patent No. RE 32,480 to Bolan (hereinafter "the '480 patent"); and Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '890 and '480 patents, further in view of U.S. Patent No. 6,173,955 to Perrie et al. (hereinafter "the '955 patent").

Regarding the indication in the Office Action that priority under 35 U.S.C. § 371 has not been granted for the present application, Applicants note that 35 U.S.C. § 371 does not require an oath or declaration to be filed in order for a national stage filing date to be granted. In particular, Applicants note that 35 U.S.C. § 371(d) states that the oath or declaration may

be filed "by such later time as may be fixed by the Director," and that a fee may be required if the oath or declaration is not filed by the date of commencement of the national stage.

Moreover, Applicants note that a declaration (and appropriate fee) was filed in this case in response to a Notification of Missing Requirements under 35 U.S.C. § 371, which indicated a filing date of September 8, 1998. Accordingly, Applicants submit that, contrary to the statement in the Office Action, Applicants' claim to priority under 35 U.S.C. § 371 should be acknowledged.

In response to the objection to the drawings, submitted herewith is a Letter Requesting Entry of Substitute Drawings, as well as a clean copy of Figures 1-4 and 8. New Figures 1-4 and 8 have been corrected to include reference labels and text within the system boxes.

Regarding the references disclosed in the specification, submitted herewith is an Information Disclosure Statement (Form 1449) listing two additional references. Note that German reference DE 43 07 800, which is referred to in the specification, was previously submitted, but not acknowledged. Moreover, WO 97/20275, the equivalent of Russian patent N 2080138, was previously submitted and acknowledged.

Applicants respectfully submit that the rejections of Claims 1-35 under 35 U.S.C. § 112 (first and second paragraphs) are rendered moot by the cancellation of those claims herein.

Applicants respectfully submit that the rejection of Claims 1-35 as anticipated by the '757 patent is rendered moot by the cancellation of those claims herein. Moreover, Applicants note that the present application claims priority under 35 U.S.C. § 371 to the '757 patent. Accordingly, based on the above discussion, Applicants submit that the '757 patent is not a valid prior art reference against the claimed subject matter of the present application.

Applicants respectfully submit that the rejection of Claims 1, 11, 17, 18, and 22 as anticipated by the '890 patent is rendered moot by the cancellation of those claims herein. Moreover, Applicants respectfully submit that the rejection of Claims 19-21, 24, 26, and 27 under 35 U.S.C. § 103(a) is rendered moot by the cancellation of those claims herein.

The present amendment also sets forth new Claims 36-54 for examination on the merits. Claims 36-54 are supported by the originally filed specification and do not add new matter.² Moreover, for the reasons stated below, Applicants respectfully submit that new Claims 36-54 patentably define over the cited references.

New Claim 36 is directed to a method of conducting a lottery, comprising: (1) distributing a portable memory device to a user, the portable memory comprising an input-output unit, a timer, and a memory; (2) reading, from the portable memory device by a data collection computer at a first time T1, a first count N1 associated with the timer; (3) storing first timing data associated with the portable memory device in the data collection computer; (4) recording lottery information input by the user and an associated count Ni in the portable memory device at a time T; (5) reading, from the portable memory device by the data collection computer at a second time T2, a second count N2 associated with the timer; (6) storing second timing data associated with the portable memory device in the data collection computer; and (7) determining the time T from the count Ni and at least one of the first timing data and the second timing data.

The '890 patent is directed to a lottery system that permits players to select lottery game parameters from a remote location and to transfer the selected parameters to a game generator, thereby facilitating broadcast of the lottery game on television for public viewing. However, Applicants submit that the '890 patent fails to disclose (1) distributing *a portable memory device* to a user, (2) storing first timing data associated with the portable memory

device in a data collection computer; (3) recording lottery information input by the user on the portable memory device at an unrecorded time T; (4) storing second timing data associated with the portable memory device in the data collection computer, and (5) determining the time T based on at least one of the first timing data and the second timing data, as recited in new Claim 36. Moreover, Applicants respectfully submit that the '480 and '955 patents fail to remedy the deficiencies of the '890 patent. Accordingly, Applicants submit that new Claim 36 (and dependent Claims 37-51) patentably define over the '890, '480, and '955 patents.

New Claim 52 is directed to a system for conducting a lottery, comprising: (1) a portable memory device configured to record lottery information input by a participant of the lottery; (2) a data collection computer having an input-output interface, and configured to record timing information associated with the portable memory device and to determine a time of recording of the lottery information input by the participant; and (3) a time-characteristics measuring device configured to measure data output by a timer of the portable memory device. Applicants submit that the '890, '480, and '955 patents, taken either single, or in proper combination, fail to recite all of the limitations of new Claim 52. Accordingly, Applicants submit that new Claim 52 (and dependent Claims 53 and 54) patentably define over the cited references.

Thus, it is respectfully submitted that Claim 36 (and dependent Claims 37-51) and Claim 52 (and dependent Claims 53 and 54) patentably define over the '890, '480, and '955 patents.

² See pages 15-19 and Figures 1-4 of the specification.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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Marked-Up Copy
Serial No: 09/786,336
Amendment Filed on: 04/14/03

IN THE CLAIMS

1-35. (Canceled)

36-54. (New)